IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,	CR 20–119–BLG–DLC
Plaintiff,	
vs.	ORDER
MICHAEL JACOB BERBERICK,	
Defendant.	

Before the Court is United States Magistrate Judge Timothy J. Cavan's Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 81.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan found, based on Mr. Berberick's admissions at the hearing, that he violated four conditions of supervised release: the special condition that he

participate in substance abuse testing (Special Condition 3), the special condition

that he participate in substance abuse treatment (Special Condition 5), the

mandatory condition that he refrain from any unlawful use of a controlled

substance (Mandatory Condition 2), and the standard condition that he must follow

the instructions of the probation officer (Standard Condition 13). (Doc. 81 at 6–7.)

Judge Cavan recommends that this Court revoke Mr. Berberick's supervised

release and sentence him to a custodial sentence of ten months, followed by no

term of supervised release. (*Id.* at 7.) The Court finds no clear error in Judge

Cavan's Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and

Recommendations (Doc. 81) is ADOPTED in full.

Mr. Berberick shall be sentenced in conformity with Judge Cavan's

recommendation in the judgment filed concurrently with this Order.

DATED this 16th day of June, 2025.

Dana L. Christensen, District Judge
United States District Court

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